

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 02-136
Table of Allotments,)	RM-10458
FM Broadcast Stations.)	RM-10663
(Arlington, The Dalles, Moro, Fossil, Astoria,)	RM-10667
Gladstone, Portland, Tillamook, Springfield-Eugene,)	RM-10668
Coos Bay, Manzanita and Hermiston, Oregon, and)	
Covington, Trout Lake, Shoreline, Bellingham,)	
Forks, Hoquiam, Aberdeen, Walla Walla, Kent,)	
College Place, Long Beach, and Ilwaco,)	
Washington))	

ORDER TO SHOW CAUSE

Adopted: March 3, 2004

Released: March 5, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a Counterproposal filed by New Northwest Broadcasters, LLC ("NNB"), the licensee of Station KAST-FM, Astoria, Oregon, in response to the *Notice of Proposed Rule Making* ("Notice") in this proceeding.¹ The Counterproposal requests the substitution of Channel 226C3 for Channel 225C1 at Station KAST-FM, Astoria, Oregon, and the reallocation of Channel 226C3 from Astoria to Gladstone, Oregon, which would provide Gladstone with its first local aural transmission service. This proposal is mutually exclusive with the Notice's proposed allotment of Channel 226A to Trout Lake, Washington. To accommodate the Gladstone proposal, NNB requests that Channel 227C be substituted for Channel 226C at Station KGNU(FM), Springfield-Eugene, Oregon,² and that Channel 225A be substituted for Channel 228A at Station KDCQ(FM) ("KDCQ"), Coos Bay, Oregon. For the reasons discussed below, we are issuing this *Order to Show Cause* directed to Bay Cities Building Company, Inc. ("Bay Cities"), the licensee of Station KDCQ, Coos Bay, Oregon.

2. In order to proceed with our analysis of the Joint Counterproposal and the ultimate resolution of this proceeding, it is first necessary to issue this *Order to Show Cause* directed to Bay Cities to show cause why its Station KDCQ license should not be modified to specify operation on Channel 225A in lieu of Channel 228A at Coos Bay, Oregon. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public

¹ *Arlington, The Dalles, and Moro, Oregon, and Covington and Trout Lake, Washington*, 17 FCC Rcd 10678 (MB 2002)

² The licensee of Station KGNU(FM) has consented to the modification of that station's license from Channel 226C to Channel 227C, and NNB has pledged to reimburse the licensee for its reasonable costs in implementing the channel substitution

interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.³ In this instance, the substitution of Channel 225A for Channel 228A at Coos Bay, Oregon, will accommodate the substitution of Channel 227C for Channel 226C at Springfield-Eugene, Oregon, which will, in turn, enable the allotment of Channel 226C3 to Gladstone, Oregon, as Gladstone's first local aural transmission service. We consider this provision of a first local service to Gladstone to have sufficient public interest benefits to justify the issuance of a show cause order.

3. The Station KDCQ license at Coos Bay, Oregon, can be modified to specify operation on Channel 225A at its currently authorized transmitter site.⁴ NNB has agreed to reimburse Bay Cities for the reasonable costs incurred in connection with the change of the Station KDCQ channel.

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Bay Cities Building Company, Inc., licensee of Station KDCQ(FM), Coos Bay, Oregon, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 225A in lieu of Channel 228A.

5. Pursuant to Section 1.87 of the Commission's Rules, Bay Cities Building Company, Inc., may, no later than April 5, 2004, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, that a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Bay Cities Building Company, Inc.
P.O. Box 478
Coos Bay, Oregon 97420
(Licensee of Station KDCQ)

Cary S. Tepper, Esq.
Booth Freret Imlay & Tepper, PC
7900 Wisconsin Ave., Suite 304
Bethesda, Maryland 20814-3628
(Counsel for Bay Cities Building Company, Inc.)

³ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

⁴ The reference coordinates for Channel 225A at Coos Bay, Oregon, are 43-21-15 NL and 124-14-34 WL.

7. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

**John A. Karousos
Assistant Chief, Audio Division
Media Bureau**